

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.M.JOSEPH

WEDNESDAY, THE 4TH JULY 2007 / 13TH ASHADHA 1929

WP(C).No. 13990 of 2007(M)  
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PETITIONER:  
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JOSE JOSEPH, PARAKULANGARA HOUSE,  
ANAKKALLU P.O., KANJIRAPPALLY, KOTTAYAM DISTRICT.

BY ADV. SRI.T.A.UNNIKRISHNAN  
SRI.P.P.BIJU

RESPONDENTS:  
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1. STATE OF KERALA,  
REPRESENTED BY ASSISTANT REGISTRAR OF CO-OPERATIVE  
SOCIETIES, MEENACHIL, PALA.
2. MEENACHIL EAST CO-OPERATIVE URBAN BANK  
LTD., NO. 4266, REPRESENTED BY THE GENERAL MANAGER  
POONJAR P.O., KOTTAYAM.
3. SPECIAL SALE OFFICER,  
THE MEENACHIL EAST CO-OPERATIVE URBAN BANK LTD.,  
NO.4266, POONJAR, THEKKKARA.

BY ADV. SRI.K.G.ANIL BABU  
BY GOVT. PLEADER SRI. P.K. RAVIKRISHNAN.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD  
ON 04/07/2007, THE COURT ON THE SAME DAY DELIVERED THE  
FOLLOWING:

WPC. 13990/2007.

## APPENDIX

### PETITIONER'S EXTS:

EXT. P1 : PHOTO COPY OF THE JUDGMENT DTD. 24.11.2006 IN W.P.(C) NO.26194/2003.

EXT. P2 : PHOTO COPY OF THE REQUEST FROM THE PETITIONER DTD.20.1.2007.

EXT. P3 : PHOTO COPY OF LETTER DTD. 29.1.2007.

EXT. P4 : PHOTO COPY OF NOTICE DTD. 28.2.2007 BY THE 3RD RESPONDENT.

EXT. P5 : PHOTO COPY OF THE NOTICE DTD. 30.3.2007 FROM 3RD RESPONDENT.

EXT. P6 : TRUE COPY OF THE SALE AGREEMENT DATED 25.6.2007.

### RESPONDENT'S EXTS:

EXT. R2(a) : THE TRUE COPY OF THE LOAN APPLICATION SUBMITTED BY THE PETITIONER DATED 26.3.1999 ALONG WITH ITS ENQUIRY REPORTY AND ORDERS OF THE BOARD OF DIRECTORS.

EXT. R2(b) : THE TRUE COPY OF THE INTERIM ORDER IN I.A. NO. 577/2002 IN R.P. NO.326/2002 OF THE KERALA CO-OPERATIVE TRIBUNAL, THIRUVANANTHAPURAM, DATED 12.12.2002.

EXT. R2(c) : THE TRUE COPY OF THE ORDER IN W.P.(C) NO. 26194/03 DATED 14.8.2003.

**K.M.JOSEPH, J.**

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WP.(C) No.13990 of 2007  
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Dated this the 4th day of July, 2007

**JUDGMENT**

Petitioner availed a loan from the second respondent. It was not repaid resulting in an award being passed and in execution property was purchased by the Bank.

2. Counter affidavit is filed pointing out the various earlier litigations between the parties and learned counsel for the Bank submits that this is a case where the petitioner has not cared to pay off the amount despite having ample opportunity and offering of one time settlement and he has not complied with the conditions imposed by this court also earlier while granting stay.

2. Learned counsel for the petitioner Sri. T.A.Unnikrishnan would submit that the petitioner is trying to raise money by selling another item of property and the extent involved is two acres of land with a residential building and worth huge amount. He submits that the petitioner may be given time to pay off the amount.

Having regard to all facts, the writ petition is disposed of as

follows:

Confirmation of the sale proceedings shall be kept in abeyance for a period of one month from today, so as to enable the petitioner to pay off the entire amount. If the amount is not paid within one month from today, sale can be confirmed in accordance with law.

(K.M. JOSEPH, JUDGE)

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